

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1334 of 2022

Saligram Saha

...

Petitioner

Mr. S.K. Das, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. A.N. Das,
Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
31.05.2022

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Government Advocate for the State.
3. The petitioner is facing trial in 2(a)CC Case No.68 of 2002 in the Court of learned S.D.J.M., Panposh for the alleged commission of offence under Sections 16(1)(a)(i) of P.F.A. Act, 1954 read with Rules 7(i)(v) of P.F.A. Rules, 1955.
4. As it appears, because of non-appearance of the petitioner NBW was issued against him on 07.10.2012. On 23.04.2022 a petition under Section 205 of Cr.P.C. was filed on behalf of the petitioner seeking exemption from his personal attendance on the ground of his old age and as also physical ailment. The said petition came to be rejected by learned Court below vide order dated 02.05.2022 on the ground that several opportunity had been given to the accused and NBW is also pending against him.
5. It is submitted by learned counsel for the petitioner that despite having observed that the petitioner is an old man aged

about 80 years and that he has undergone vascular surgery and left toe amputation and is also bed ridden, it was not proper on the part of the Court below to reject the application under Section 205 Cr.P.C.

6. Learned Addl. Government Advocate has submitted that the petitioner has willfully stayed away from Court for which NBW was rightly issued and the same is also pending till date.

7. Considering the submissions and taking into account the grounds on which the prayer for exemption of personal attendance was made, this Court is of the view that it was not proper on the part of the Court below to reject the same. The impugned order is therefore quashed. Learned Court below is directed to pass order allowing the petition under Section 205 of Cr.P.C. on such terms and conditions as it deems fit and proper.

8. CRLMC is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge

A.K. Rana